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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BEFORE THE HONORABLE JACQUELINE SCOTT CORLEY, MAGISTRATE JUDGE

WAYMO, LLC,	)	
	)	
Plaintiff,	)	
	)	
VS.	)	No. C 17-00939 WHA
	)	
UBER TECHNOLOGIES, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
<hr/>		San Francisco, California
		Thursday, September 14, 2017

TRANSCRIPT OF PROCEEDINGS

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(Appearances continued, next page)

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Thursday - September 14, 2017

2:02 p.m.

P R O C E E D I N G S

**THE CLERK:** Remain seated and come to order. Court is now in session.

**THE COURT:** All right. Good afternoon. Thanks for coming in.

So I wanted to hold this hearing today because in light of the Federal Circuit's ruling yesterday, I want to make sure we have a plan. Trial is three and a half weeks away. Right? So I want to make sure we have a plan for getting all this additional discovery done.

And with this caveat, I'm actually out of the country from Tuesday through Monday, the 19th through the 25th, so that is why I wanted to meet today, just so, you know, we can get as much done by Monday as possible.

**MR. GONZÁLEZ:** What country will you be in, Your Honor?

**THE COURT:** Hong Kong.

**MR. GONZÁLEZ:** They have cell phones there.

**THE COURT:** Do you know, the time difference -- I looked this up -- is 15 hours. So that's fine. I'm happy to speak with you at 8:00 a.m. Hong Kong time.

**UNIDENTIFIED MAN:** Nothing for this case.

**THE COURT:** That's true. I know you would be. All right.

So let me first hear from Waymo, where things are at, and if there's anything I can do today.

1 And then, I know we never finally resolved the protocol  
2 issue, and so we should discuss that as well.

3 **MR. JUDAH:** Thank Your Honor. James Judah for Waymo.

4 So in terms of where we are, essentially one document's been  
5 produced, which is the Stroz report. And we don't have any  
6 documents at the moment.

7 There -- we received an email this morning, offering to  
8 produce from MoFo, I think, 11:13 a.m., a subset of materials in  
9 MoFo's possession. They want to withhold certain materials on  
10 Mr. Levandowski's instructions.

11 And so there is an issue, a dispute over whether they are  
12 allowed to withhold stuff that has not been reviewed by the  
13 special master and approved for screening. So we are going to  
14 be inspecting that after this hearing, hopefully, if that's  
15 resolved.

16 **THE COURT:** All right.

17 So, Mr. González.

18 **MR. GONZÁLEZ:** Yeah.

19 **THE COURT:** The privilege log that had been identified,  
20 depending on the ruling, why haven't those documents been  
21 produced?

22 **MR. GONZÁLEZ:** So let me give you an update. First of all,  
23 they received not only the Stroz report, but all of the Stroz  
24 exhibits, which is voluminous.

25 Second, probably within the next five minutes, they're going

1 to be sending them 572 items from our privilege log. We started  
2 the process as soon as we got the opinion.

3 And tonight, Your Honor, we are going to process an  
4 additional 1,177 items, which are the remaining items from the  
5 privilege log.

6 **THE COURT:** All right. So by tonight we will have  
7 everything. Or by tomorrow.

8 **MR. GONZÁLEZ:** Barring some technical unexpected thing,  
9 that's correct.

10 **THE COURT:** Okay.

11 **MR. GONZÁLEZ:** Second, the item that counsel just  
12 referenced, as you've known, for some time it's well known that  
13 we have a subset of what Stroz has, based on our representation  
14 of Mr. Levandowski.

15 **THE COURT:** From the arbitration.

16 **MR. GONZÁLEZ:** Correct. I offered to send those to  
17 Mr. Levandowski's counsel. They didn't wanted to do that. Then  
18 I offered to send Mr. Levandowski's counsel a copy, so that they  
19 could meet up in privacy. They didn't want to do that.

20 So instead what I did, because I wanted to be ready for  
21 today, we had Mr. Levandowski, himself, come to our office and  
22 look through 60,000 items which are mainly photographs.

23 And out of the 60,000, he picked less than one quarter of  
24 1 percent, as I'm told, 200 pictures, which he says are personal  
25 photographs.

1 And what I told them is: Come on over, we'll show you  
2 everything else.

3 And I wanted to give those photos to John, but I understand  
4 John's not available. I'd be happy to show them to you if you  
5 want to.

6 **THE COURT:** If you want me to look at them. But I think  
7 you're going to be busy looking at those other ones first.

8 **MR. GONZÁLEZ:** Yeah. They reserved their rights. And I  
9 told them that. And I'm not going to say: You waived your  
10 rights.

11 So I've got 60,000 documents ready as we speak.

12 **THE COURT:** Mr. Cooper is back -- Mr. Cooper, are you on the  
13 phone?

14 **MR. CATE:** Your Honor, this is Matthew Cate.

15 **THE COURT:** Oh.

16 **MR. CATE:** John asked me to call in for him. He is out of  
17 the country in Montreal, and he returns Monday afternoon.

18 **THE COURT:** Right. So he'll be available Monday.

19 **MR. JUDAH:** So Your Honor, I mean, we will review whatever  
20 is available.

21 I will note that Your Honor was clear that Mr. Levandowski  
22 should have been providing these privacy suggestions. IN the  
23 last two weeks, he sat on his hands, apparently just so that  
24 they could --

25 **THE COURT:** What do you want me to do? They're there.

1       **MR. GONZÁLEZ:** They're there.

2       **THE COURT:** They're there.

3       **MR. GONZÁLEZ:** Right now.

4       **THE COURT:** They can go, this afternoon?

5       **MR. GONZÁLEZ:** They can right now.

6       **MR. JUDAH:** I'll be going right after this hearing.

7       **THE COURT:** Okay, great.

8       **MR. GONZÁLEZ:** And that takes care of everything that I have  
9 at MoFo, Your Honor.

10       The only other thing that I will mention, and I mentioned  
11 this before, is that when we represented Mr. Levandowski, a copy  
12 of the Relativity database that Stroz has was given to Epiq.  
13 They were going to be our discovery vendor in the arbitration.  
14 They have done nothing with it. We withdrew from the  
15 representation. And they were never retained for it by the new  
16 counsel. And so they've got that. It is a complete duplicate  
17 of what Stroz has.

18       I think we ought to focus on Stroz. They reserved their  
19 rights. They can go over there and look at it if they want to.  
20 It's the exact same thing. And they can ask Stroz in your  
21 deposition: What did you get at Epiq? And I'll represent to  
22 you that they will say that we gave them a copy of the database.

23       So I am not here as counsel for Epiq, but we did retain  
24 them. And I expect that they will cooperate, Your Honor.

25       **MR. JUDAH:** So Your Honor, this is different from what was



1 represented at the August 16th hearing to -- to Judge Alsup,  
2 where Judge Alsup "expressly said (As read):

3 "But, but if the Federal Circuit affirms, then I  
4 understand Mr. González to say that any and all of the  
5 downloaded documents will be turned over by MoFo, Epiq,  
6 Stroz, without question, they will be turned over. You  
7 don't have to have another document request. Am I right  
8 about that?

9 "MR. GONZÁLEZ: Yes. We made that clear."

10 These Epiq materials need to be produced immediately. We'll  
11 agree to whatever -- the protocol, if they want to pull stuff  
12 that's private.

13 **THE COURT:** Wait. Epiq has them, and it's for Uber. Right?

14 **MR. GONZÁLEZ:** Has it for Mr. Levandowski.

15 **THE COURT:** They were provided -- who --

16 **MR. EHRLICH:** Epiq -- Epiq was our consultant in he  
17 arbitration.

18 **THE COURT:** When you were representing Mr. Levandowski.

19 **MR. GONZÁLEZ:** Correct.

20 **THE COURT:** Not Uber.

21 **MR. GONZÁLEZ:** That's correct. Uber has never had access to  
22 these materials.

23 **THE COURT:** Well, I haven't ordered those documents produced  
24 yet, yet. Correct?

25 **MR. JUDAH:** Well, there was representation that they would

1 be produced.

2 **THE COURT:** So, there's only so many. I know Quinn has a  
3 lot of orders, but there is only so many. So we're going to  
4 start with -- we have all this, and let's get to Stroz. Let's  
5 put aside Epiq for the moment.

6 Maybe the thing to do is figure out if the representation  
7 that's made is true that's a copy of what you already have.

8 **MR. JUDAH:** I'll note, Your Honor, that the only way to  
9 confirm that is to actually inspect it.

10 And Judge Alsup specifically said at the August 16th hearing  
11 that we were entitled not to take anyone's word for it. We were  
12 entitled to verify that, ourselves, because sometimes there are  
13 differences.

14 **THE COURT:** Okay. Have you -- well, maybe I can hear from  
15 Mr. Ehrlich on this.

16 **MR. EHRLICH:** Mr. Ehrlich, Miles Ehrlich on behalf of  
17 Mr. Levandowski.

18 My understanding is that it is an exact duplicate of what  
19 Stroz has.

20 **THE COURT:** No, I understand but --

21 **MR. EHRLICH:** It has not been reviewed or put into a  
22 platform that would even subject it to a review.

23 **THE COURT:** So will you allow -- because Waymo doesn't want  
24 to accept that representation, can they go over to Epiq and just  
25 verify -- IT people know how to verify these types of things,

1 right -- that it's an exact duplicate?

2 Is there a way of doing that?

3 **MR. EHRLICH:** If there is a way of doing that, I certainly  
4 have no problem with that. In fact, if they want to truly  
5 duplicate efforts, we would be happy to apply the same protocol  
6 to the same documents.

7 **THE COURT:** Okay.

8 **MR. EHRLICH:** Which would involve a privacy and a privilege  
9 screen. We can do it twice. It is a duplicate.

10 But they could also -- I think the suggestion Your Honor  
11 made in the last hearing was that they depose someone from Stroz  
12 Friedberg to confirm that. And that's an available avenue as  
13 well.

14 **MR. JUDAH:** Your Honor, we would like to inspect it,  
15 ourselves.

16 And any privacy terms that should have been offered --

17 **THE COURT:** He said you can.

18 **MR. JUDAH:** Yeah, okay, great.

19 **THE COURT:** But it's a question of timing, right? And so  
20 that's going to be the cutoff because there's a limited amount  
21 of time.

22 **MR. EHRLICH:** It is a question of: Inspect for what  
23 purpose?

24 **THE COURT:** I understand.

25 **MR. EHRLICH:** If it's just to confirm that it's a duplicate,

1 yes.

2 **THE COURT:** That's what the initial inspection will be.

3 **MR. JUDAH:** Certainly. Certainly.

4 (Off-the-Record discussion between counsel)

5 **THE COURT:** You can speak, you don't --

6 **MR. JUDAH:** Well, I mean, obviously that's dependent upon  
7 once we actually inspect what Stroz has.

8 **THE COURT:** Of course. That's what I'm saying. That has to  
9 go first.

10 **MR. JUDAH:** Right. But we haven't had an opportunity to do  
11 that yet.

12 **THE COURT:** We'll get to that.

13 **MR. JUDAH:** Nor do we know where Epiq is going to be making  
14 this available, and when.

15 **THE COURT:** Of course not. I understand that, yeah. But  
16 what I understand is that Mr. Levandowski is not throwing up a  
17 roadblock to you inspecting it to either confirm that it is  
18 what -- when you -- Stroz has, or that it's not.

19 And if it's not, you can look through it, subject to those  
20 privacy objections.

21 **MR. JUDAH:** Okay. I mean, subject to actually getting this  
22 to --

23 **MR. PERLSON:** Yeah. Your Honor, just to be clear, there's  
24 no way that we can go in there and without going with the Stroz  
25 documents, matching them all together -- sorry, this is David

1 Perlson -- and confirm whether they are the same or not.

2 The point is that we've had representations up and down from  
3 the other side, again and again. And Judge Alsup specifically  
4 said we don't have to take their word for it. So we want to  
5 inspect everything.

6 **THE COURT:** That's what I just said.

7 **MR. PERLSON:** Okay. But it shouldn't be limited to just  
8 checking to see whether it's the same.

9 **THE COURT:** Well, if it is the same, why do you want to sit  
10 there and spend time going through it?

11 **MR. PERLSON:** There is no way we can know it's the same.

12 **THE COURT:** Well --

13 **MR. PERLSON:** There have been -- just recently they told us  
14 there's hundreds of computers. We don't know.

15 **THE COURT:** That's fine. Obviously, it was premised on  
16 you -- on it being the same. Being the same. And if it's not  
17 the same, then fine, we can have --

18 **MR. EHRLICH:** And co-counsel just handed me a folder of  
19 documents which seem to be the transmittal letters from Stroz to  
20 Epiq, which they don't have to take Stroz word for it either.  
21 But that's --

22 **THE COURT:** Can you hand it to them?

23 **MR. EHRLICH:** I want to make sure that it's just that.

24 **THE COURT:** Okay.

25 **MR. EHRLICH:** But yes, we can hand it to them today.

1       **MR. GONZÁLEZ:** Your Honor, as long as we have a stipulation  
2       that we're not waiving any privilege of any kind, then we'll be  
3       happy to give to them.

4       **MR. JUDAH:** Your Honor, this has all been compelled. And  
5       we're entitled to it. And they're -- they have a document that  
6       they are withholding from us that they think is useful for them,  
7       and it's because they don't want us to inspect.

8       **THE COURT:** That is not -- that is not true. We're not  
9       going to do that, okay? Let's put that aside, because that, I  
10      think, actually is the least -- let's go to the Stroz.

11      So we have taken care of MoFo, right, Mr. González?

12      **MR. GONZÁLEZ:** Oh, yeah.

13      **THE COURT:** You're going to get everything by tonight from  
14      MoFo that MoFo has. Okay?

15      **MR. JUDAH:** Okay.

16      **THE COURT:** All right.

17      **MR. JUDAH:** So, Your Honor, there are a number of different  
18      issues, as you know.

19      **THE COURT:** Yes. So now I want to go to the Stroz  
20      documents.

21      **MR. JUDAH:** I'm sorry.

22      **THE COURT:** That's the next biggest one.

23      **MR. JUDAH:** Well, I think the next biggest one is actually  
24      the Stroz report, itself. Not only was it produced over four  
25      hours after the Federal Circuit ruled, and we had to send, I

1 think, three separate emails, we had -- first they wanted to  
2 get -- needed Anthony Levandowski's permission to produce it.  
3 Then they said we had to agree it was confidential.

4 **THE COURT:** Yeah, I'm going to stop you for a second. I'm  
5 going to be like a doctor. We're going to figure this out like  
6 what is -- what changed. So all you're going to tell me, what  
7 are you going to ask me to do?

8 **MR. JUDAH:** Rule that it is not -- you've seen it. They say  
9 it contains -- the whole thing is Uber confidential information.  
10 Which it obviously doesn't.

11 Some of those documents -- I mean, I don't know if I'm  
12 allowed to talk about it in open court because they say the  
13 whole thing is confidential.

14 **MR. EHRLICH:** I would object to any disclosure of the  
15 substance of the Stroz report in open court.

16 **THE COURT:** So the Federal Circuit, you read the opinion.

17 **MR. JUDAH:** Yes.

18 **THE COURT:** And it did allude to the fact that the Court may  
19 have it, subject to a protective order. Did you not?

20 **MR. JUDAH:** I did see that.

21 **THE COURT:** Okay. So we are going to have to have a  
22 proceeding about that. I'm not going to do it sitting here  
23 without anything in front of me, especially when that was made  
24 very clear in the Federal Circuit's report.

25 To be candid, I frankly didn't know what they were talking

1 about, or why, but we don't have to decide that today. We'll  
2 address that. That is something that has to be addressed. It's  
3 not critical.

4 What's critical is that you have the information. That it  
5 be public at this very moment is not critical. Because we are  
6 not playing a PR game. This is about getting you the  
7 information that you need. Before trial, it needs to be  
8 addressed. Because that's going to be very important.

9 **MR. JUDAH:** One thing I'll note, Your Honor, is that there  
10 -- there's Waymo information, we can't share it with people who  
11 need to see it, our client.

12 **THE COURT:** It's not AEO.

13 **MR. GONZÁLEZ:** No it's not. Exactly. You can share it with  
14 your client. I'll stipulate right now.

15 **THE COURT:** Not AEO.

16 **MR. JUDAH:** Well, certainly with the client, but there is  
17 limitations. They have to sign the PO. I mean, I don't know  
18 what I can say about it in open court, but there's clearly parts  
19 of it that --

20 **MR. GONZÁLEZ:** Just tell us who you want to share it with.  
21 And I'll say yes, right now.

22 **THE COURT:** Well, you tell me. The -- you read the Federal  
23 Circuit opinion.

24 **MR. PERLSON:** Your Honor, I think that what we should have  
25 is a procedure in place for -- that they need to make a motion,



1 a motion for protective order, and have it dealt. Because  
2 there is not anything in your confidential. And it's clear --

3 **MR. JUDAH:** To Uber.

4 **MR. PERLSON:** It's clear to Uber that they don't like it  
5 because of the content that's in here. That's why they want it  
6 confidential. And having --

7 **THE COURT:** No, Mr. Perlson, we are not -- I am not going to  
8 let this hearing be a PR game. We're going to stop with that.  
9 That's not what this hearing is about, right now. So no  
10 inferences should be drawn one way or the other about what is in  
11 that due diligence report. That is not an appropriate use of  
12 this hearing.

13 Now, as I read the opinion, it seemed to me they were  
14 suggesting that it was Mr. Levandowski who had the  
15 confidentiality, not Uber. That Uber, by the way, wasn't even a  
16 party to that appeal; that it was Mr. Levandowski.

17 We can set a briefing schedule on that.

18 **MR. PERLSON:** Thank you.

19 **THE COURT:** And have it done. In the meantime, though, that  
20 is what they indicated. The Federal Circuit did. It's in the  
21 opinion. Right? It's there. He's not making this up out of  
22 whole cloth. The Federal Circuit put it in the opinion.

23 **MR. EHRLICH:** And it is tethered -- I mean, the pages of the  
24 opinion are Page 6, Page 10, Page 20. And the Federal Circuit's  
25 reasoning is apparently that it needs to be produced now, for

1 purposes of the civil proceeding.

2 But to the extent there are still Fifth Amendment concerns  
3 at play, the Court can craft a protective order, to protect from  
4 disclosure and use beyond these civil proceedings.

5 And so --

6 **THE COURT:** To protect from use beyond these civil  
7 proceedings.

8 **MR. GONZÁLEZ:** Uh-huh.

9 **MR. EHRLICH:** We are going to try to make sense of it,  
10 Your Honor. But let me just say, it is what the Federal Circuit  
11 ordered.

12 **THE COURT:** No, no, no.

13 **MR. EHRLICH:** And I think the logic is because this was  
14 mandamus, the appeal was based on mandamus, which is a very high  
15 standard. It's not --

16 **THE COURT:** I understand. They did go quite deeply into the  
17 merits.

18 **MR. EHRLICH:** You should feel very vindicated.

19 **THE COURT:** I just do my best, that's all.

20 **MR. EHRLICH:** But we don't have -- we don't have a final  
21 ruling, which means we don't have a final determination as to  
22 whether the Fifth Amendment argument or the -- his  
23 Fifth-Amendment privilege is valid or not.

24 Until that time, I think the Federal Circuit is saying it  
25 would be wise to make sure that this not be used potentially in

1 other proceedings. Criminal investigation, arbitration,  
2 et cetera.

3 **THE COURT:** Okay. So that being -- I think that is what  
4 they're saying; it was Mr. Levandowski, not Uber. I don't know  
5 why, then, Waymo can't share those documents within Waymo.  
6 Without having to go through somebody signing the protective  
7 order and the like.

8 **MR. GONZÁLEZ:** Yeah, Your Honor. This -- the -- this  
9 Court's protective order allows them to share that information  
10 with anybody at their employer that they feel they need to, in  
11 order to represent their client. Signing the protective order  
12 is not burdensome. Just saying that we'll honor the protective  
13 order in the case.

14 **THE COURT:** I guess that's fine. I assume you have a lot of  
15 people signing it anyway. But anyone who's seen anything in the  
16 past would have already signed it, then, anyway. Right?

17 **MR. PERLSON:** It would be helpful to know whose confidential  
18 information we are dealing with here. I mean, is it  
19 Levandowski's, only? Is that what --

20 **THE COURT:** That was my understanding from reading the  
21 order.

22 **MR. PERLSON:** And I think that clarification would be  
23 helpful. I don't know. We asked Mr. González squarely last  
24 night whether there was any Uber confidential information. He  
25 refused to respond.

1       So I think it would be nice to know before sharing with the  
2       client, and their signing, whose confidential information they  
3       are seeing. I think it's a fair question to ask.

4       **MR. GONZÁLEZ:** I'm not sure whether it matters. All the  
5       order says is that this information is being used for purposes  
6       of this litigation, and you can't run to the *New York Times* and  
7       share with them what you just read. That's what the order's  
8       intended to protect.

9       Who cares if it's mine or theirs? If you want to --

10      **MR. PERLSON:** It has nothing to do with that.

11      **MR. GONZÁLEZ:** If we're going to have a briefing schedule,  
12      we'll have a briefing schedule. And I'll let my clients know:  
13      If there's anything there you all think is confidential, we've  
14      got to tell the Magistrate. And we'll tell you.

15      **MR. PERLSON:** Your Honor, they designated it confidential.  
16      Uber did. Not Mr. Levandowski. They never said that they were  
17      designating it for Mr. Levandowski.

18      **THE COURT:** Well, of course they designated it confidential  
19      because it was attorney work product and all that. And that's  
20      all --

21      **MR. EHRLICH:** And the Ninth Circuit's opinion made it clear.  
22      So I thought --

23      **THE COURT:** For some people, that's by the bye now. Not  
24      all, I understand.

25      **MR. PERLSON:** I think it was in relation to the

1 Fifth-Amendment privilege. I'm not sure that it made a lot of  
2 sense in that context.

3 **THE COURT:** This is what we're going to do. You can share  
4 it with any -- it's not AEO, so there's no limitation within  
5 Waymo, your experts and the like, who you can share it with.

6 This is an issue I'm going to need to address. And frankly,  
7 with Judge Alsup. Because it impacts greatly the trial which is  
8 coming right up. So it's something that I'm also going to need  
9 to confer with him.

10 And he may, in fact, be the best person to decide it.  
11 Because it's not really a discovery issue. It's really a trial  
12 issue.

13 **MR. EHRLICH:** And I think the confidentiality interest comes  
14 from the Fifth Amendment. Which, which -- so, on behalf of  
15 Mr. Levandowski, I would not consent to them showing it to  
16 potential witnesses against Mr. Levandowski in the context of a  
17 criminal investigation.

18 **THE COURT:** It's not --

19 **MR. EHRLICH:** If there were a criminal investigation, and  
20 this is Fifth-Amendment privilege --

21 **THE COURT:** This is for their use in the civil case.

22 **MR. EHRLICH:** I understand. But I need to make clear that  
23 until there's a final ruling on the Fifth Amendment, we have a  
24 situation where potentially immunized testimony or active  
25 production would be exposed to witnesses.

1       **THE COURT:** Perhaps, but I -- I rejected that argument. I  
2 found he didn't find a Fifth-Amendment privilege.

3       **MR. EHRLICH:** Correct.

4       **THE COURT:** So they get to use -- so -- and, and the report  
5 now. And you had an appeal, and it was rejected. And so  
6 whatever arguments you have with respect to a criminal  
7 prosecution, if any, you have, I'm not going to inhibit their  
8 ability to prepare their civil case.

9       **MR. EHRLICH:** I understand that.

10       **THE COURT:** Yeah, okay.

11       **MR. EHRLICH:** I think it's been compelled, and we accept  
12 that. The only wrinkle is that the Court, in its order -- but  
13 the Fed Circuit in its opinion made clear that we are free to  
14 appeal, post-verdict.

15       **THE COURT:** Of course.

16       **MR. EHRLICH:** Okay. So it may be --

17       **THE COURT:** But your appeal would be relevant to any  
18 criminal prosecution.

19       **MR. EHRLICH:** Correct.

20       **THE COURT:** It wouldn't have any impact on the result in  
21 this case.

22       **MR. EHRLICH:** That's correct. But I want to make sure that  
23 I'm raising the issue now.

24       **THE COURT:** Okay.

25       **MR. EHRLICH:** Because it could cause many witnesses to be

1 exposed to immunized testimony. So it is my obligation to stand  
2 up and say this -- we object.

3 **THE COURT:** Okay. All right.

4 **MR. EHRLICH:** Thank you.

5 **THE COURT:** Noted.

6 **MR. EHRLICH:** Thank you.

7 **MR. PERLSON:** Your Honor, can we set up a briefing schedule?  
8 Should we do that afterwards?

9 **THE COURT:** No, we should do that now. I mean, Judge  
10 Alsup's clerk isn't here. But we should do it, in any event.  
11 So you should file your motion for a protective order by -- I  
12 mean, soon.

13 **MR. EHRLICH:** Soon. Can we address that at the end of the  
14 hearing?

15 **THE COURT:** Sure. Yeah, that's fine. All right. Okay?  
16 All right.

17 **MR. JUDAH:** So the next issue is the Stroz materials.

18 **THE COURT:** Yeah.

19 **MR. JUDAH:** Well, actually, let me first --

20 **THE COURT:** I always mispronounce it. And you corrected me  
21 last time. "Stroz."

22 **MS. BLUNSCHI:** We get it both ways.

23 **MR. JUDAH:** Actually, let me first address Otto Trucking  
24 materials which have also not been produced.

25 **THE COURT:** Okay.

1       **MR. JUDAH:** We've been told they'll be produced -- I think  
2 everything out of the privilege log we've been told will be  
3 produced by tonight or tomorrow morning. I don't know if  
4 there's materials that aren't in the privilege log. And so they  
5 also need to be produced.

6       **THE COURT:** Is anyone here from Otto Trucking?

7       **MR. SCHUMAN:** Yes, Your Honor. Brett Schuman from Goodwin,  
8 for Otto Trucking.

9       Your Honor, I was in a different court on something related  
10 to this, this morning, I wasn't on the call with Mr. Judah. My  
11 understanding is that we have a subset of materials that are  
12 being produced today. They are not actually Otto Trucking  
13 materials. They are materials that were in our possession  
14 because they came over, as you know, at a fair time Otto  
15 Trucking was represented by the same counsel as Otto Moto. So  
16 we have some materials. They were withheld pending the Federal  
17 Circuit's ruling. They are being processed now, and being  
18 produced today.

19       **THE COURT:** Okay.

20       **MR. JUDAH:** And Your Honor, I think that would include the  
21 Stroz report, itself, but I'm not sure.

22       **MR. SCHUMAN:** Otto Trucking has never had possession of the  
23 Stroz report. It is not being used. We don't have it. Otto  
24 Trucking.

25       **MR. JUDAH:** Okay. So, and then -- so now we can turn to the



1 Stroz materials.

2 **THE COURT:** Thank you.

3 **MR. SCHUMAN:** Thank Your Honor.

4 **MR. JUDAH:** So for the Stroz materials, there's sort of  
5 three different categories. The -- well, there's four different  
6 categories.

7 The first is the documents, non-device stuff, documents  
8 responsive to the subpoena. We had a conference this morning,  
9 and my understanding is those are being produced tomorrow or  
10 Saturday.

11 **MS. BLUNSCHI:** Uh-huh, yes, so --

12 **THE COURT:** You should tell, for the court reporter.

13 **MS. BLUNSCHI:** Melanie Blunschi, Latham & Watkins, for Stroz  
14 Friedberg.

15 Those materials are in final QC. We expect to have those  
16 produced by either Friday night or this weekend. The Stroz  
17 privilege log --

18 **THE COURT:** I'm -- I'm going to say Friday night or  
19 Saturday. Okay?

20 **MS. BLUNSCHI:** Yes. The Stroz privilege log will accompany  
21 those. There's a very small handful of materials that are  
22 withheld, based on Stroz' privilege.

23 There are also materials that are being withheld, based on  
24 Uber's review of the documents, that are subject to the  
25 common-interest privilege after -- April 11th.

1       **THE COURT:** So they are dated after April 11th.

2       **MS. BLUNSCHI:** Yes. So Uber is preparing that privilege  
3 log, so I can't speak to when that will be provided. But, so  
4 those are the only materials that are being --

5       **THE COURT:** Mr. González? You're back.

6       **MR. GONZÁLEZ:** What happened? I wasn't paying attention.

7       **THE COURT:** When is the privilege log for the Stroz  
8 documents going to be produced?

9       **MR. GONZÁLEZ:** That is a question I'm not prepared to  
10 answer. But I'll get the answer, I assume very soon.

11       **THE COURT:** By Saturday as well?

12       **MR. GONZÁLEZ:** Yeah.

13       **THE COURT:** Okay.

14       (Reporter interruption)

15       **MS. BLUNSCHI:** B-L-U-N-S-C-H-I.

16       **THE COURT:** You say that like you do it all the time.

17       **MS. BLUNSCHI:** Occasionally. My married name is actually  
18 Smith. Possibly should have had chosen that one. So.

19       **THE COURT:** Okay. All right. So --

20       **MR. PERLSON:** That is the first category.

21       **THE COURT:** Yeah.

22       **MR. JUDAH:** The second category is the Relativity database.  
23 So my understanding is that that can be made available for  
24 inspection on Monday.

25       **MS. BLUNSCHI:** So I would clarify. So we actually have the

1 native devices ready to go for inspection. The Relativity  
2 database could be available as early as Monday, except that that  
3 is the place where we have some complications around the  
4 protocol of what's private and what's not.

5 **THE COURT:** Yeah, we'll get to that. But just putting that  
6 aside --

7 **MS. BLUNSCHI:** Yes.

8 **THE COURT:** Putting that aside, that's available for Waymo  
9 to come over to your -- not -- is it at --

10 **MS. BLUNSCHI:** Well, so, we need to know what we're  
11 screening out of that database in order to make it available to  
12 Waymo.

13 **THE COURT:** Well, I think the proposal was from Waymo --

14 **MS. BLUNSCHI:** Uh-huh.

15 **THE COURT:** -- is that they are going to go over, they're  
16 going to look at it, right?

17 And if there is something that you want, you can say: I  
18 want this.

19 And then you can be there or somebody from your office who  
20 can say: No, this is one of those 200 photos, or whatever it  
21 was. It doesn't sound like there's very much there.

22 **MS. BLUNSCHI:** So the Relativity database is actually a  
23 complete duplicate of all of the native devices that Waymo will  
24 also be reviewing.

25 And so as soon as we have direction on what goes in it, it

1 will take, you know, about 48 hours to make it --

2 **THE COURT:** Why doesn't everything go in it?

3 **MS. BLUNSCHI:** That --

4 **MR. EHRLICH:** I can address that.

5 **THE COURT:** Yeah.

6 **MR. EHRLICH:** So, I -- and I have a very large objection to  
7 the idea that they're just going to get all of the native  
8 devices, and then we're going to screen out from the Relativity  
9 database, because that would defeat the whole purpose. On an  
10 actual computer you can't screen it out with -- while preserving  
11 its integrity.

12 The point about the Stroz database is that they went through  
13 the process of harvesting all of the documents so they can be  
14 reviewed on the platform, and tagged and marked, et cetera.

15 So I don't think it's appropriate, at least for  
16 Mr. Levandowski, for the native devices to be searched, because  
17 then the whole point of screening out preexisting privilege or  
18 very private matters would be moot. Because you're just giving  
19 the computer over. Which has everything.

20 **THE COURT:** Which is what he did to Stroz. He just gave it  
21 over.

22 **MR. EHRLICH:** I understand that.

23 **THE COURT:** He just handed over --

24 **MR. EHRLICH:** Not exactly. With an understanding that there  
25 was a screen that was going to be applied, the privileged

1 materials.

2 **THE COURT:** That they could claw it back.

3 **MR. EHRLICH:** Not claw it back; that it would not be shared  
4 with Uber.

5 **THE COURT:** Exactly.

6 **MR. EHRLICH:** And Otto.

7 **THE COURT:** So the same thing could apply here under Rule of  
8 Evidence 502. There is no waiver or anything like that. If  
9 they actually say: I want to print this -- and they can, or you  
10 could be standing over their shoulder, right?

11 **MR. JUDAH:** Right.

12 **THE COURT:** You can be standing over their shoulder. That's  
13 why I said before when we had their hearing: If there are  
14 particular files or areas, identify them now.

15 **MR. EHRLICH:** But we have. And I -- so just to that point,  
16 we understood the hearing, the last hearing, for you to be  
17 rejecting the idea that they would give us search terms, and  
18 then we produce.

19 And so instead, we had to look at all -- we had to basically  
20 take a look at all half a million items that -- we didn't have  
21 to eyeball each one. And we identified those that are  
22 privileged. We have a privilege log ready to hand to them  
23 today.

24 These is privileged because these are prior communications  
25 between Mr. Levandowski and his family law attorney,

1 Mr. Gardner. Other attorneys that are not implicated by the  
2 Federal Circuit ruling.

3 **THE COURT:** Well, Mr. Gardner is complicated.

4 **MR. EHRLICH:** Well, and they can challenge any that they  
5 would like to challenge. It's more than a hundred pages.

6 **THE COURT:** Well, Mr. Gardner, Mr. Levandowski, Mister --  
7 that's right. We haven't -- I haven't ruled any of those  
8 communications as --

9 **MR. EHRLICH:** No, no. So we have the privilege log. And  
10 what seems to me to be the most sensible way to go, before I  
11 turn to the privacy, is for these documents -- we've been  
12 working for weeks with Stroz to identify these documents. They  
13 can very easily be taken out of the universe of millions of  
14 documents. They can start searching.

15 We will provide this privilege log; it can be tested. If  
16 there's anything that needs to be reviewed in camera by the  
17 Court or by Mr. Cooper, we can deal with that. But they won't  
18 be running hits and landing on privileged material. That seems  
19 to be appropriate, because it was not disclosed fully.

20 As to the private matters, we have identified  
21 Mr. Levandowski's family, his, you know, his former domestic  
22 partner, the mother of his children, girlfriends, very close  
23 personal relationships. And we separately have those tagged.  
24 My proposal -- there's about 7,000 documents there. We could  
25 make those available for review to -- by Mr. Cooper. But that

1 is very onerous.

2 What I would suggest instead for this narrow, very limited  
3 subset -- and we'll give Mr. Cooper the names of the search  
4 terms that we called them up with -- that, that in that instance  
5 they give us as many search terms as they want. We will run the  
6 search terms. If there are hits, and it's not extremely  
7 private, we have no objection.

8 But -- so we have been working very hard to get that ready  
9 to go, so they can start searching under the protocol.

10 **UNIDENTIFIED MAN:** Your Honor, on behalf of Mr. Lior --  
11 Jonathan Patchen, on behalf of Lior Ron.

12 We have engaged in that same process. It's about 650  
13 privileged documents. Mister (Inaudible) --

14 (Reporter interruption)

15 **MR. PATCHEN:** About 650 documents that implicate privilege  
16 that are not part of the Federal Circuit ruling. We have also  
17 done similar search terms for Mr. Ron's wife; for his daughter's  
18 name; for, you know, personal bank account information; his  
19 Social Security number; doctors' names; dentist names; things  
20 like that that we would be happy to share as well. And do the  
21 exact same protocol.

22 If there's any search terms they want to run on that subset,  
23 unless it's talking about some specific doctor's diagnosis or  
24 something that we're particularly sensitive about, which we'd  
25 share with Mr. Cooper, we'd be happy to turn those over as well.

1       **MR. JUDAH:** So Your Honor, a few issues here.

2       The first is: I've never heard any of this before. I've  
3       never seen these privilege logs. We need to inspect the native  
4       devices in order to run our own forensic determination as to  
5       what happened. I can't go into details of the Stroz report, but  
6       that may not have been a complete examination.

7       With respect to the privilege, first off, we dispute that  
8       there has been a waiver.

9       **THE COURT:** Well, but I -- I said last week, I wasn't sure,  
10      I -- I don't believe that I have found that there's been a  
11      waiver of that privilege.

12      **MR. JUDAH:** Everything --

13      **THE COURT:** So we could have a debate about that, I  
14      understand. But as least as we stand, I haven't ruled on that.

15      **MR. JUDAH:** Sure. I know. I just want to make it clear  
16      that we dispute it categorically.

17      **THE COURT:** I understand.

18      **MR. JUDAH:** Secondly, and again, I haven't seen the  
19      privilege log. I'm hearing a lot about documents that people  
20      say they're willing to hand -- you know, that exist, and they  
21      want to hand over to us, but no one's given to us yet.

22      But a lot of these people -- John Gardner, Ognen Stojanovski  
23      is also an attorney who could claim privilege over  
24      communications with him. All of these attorneys are -- and  
25      family members, too, I might add -- are tightly connected to the



1 shell companies through which Mr. Levandowski --

2 **THE COURT:** No, no, no, no. no. What Mr. Ehrlich said was  
3 they'll run search terms.

4 So for example, if -- I think I can say this, this isn't in  
5 confidence, right -- Tyto or Odin (Phinetic) used to be  
6 confidential. And things tend to --

7 **UNIDENTIFIED MAN:** Slip out.

8 **THE COURT:** I don't know; they tend to not be after a while.  
9 They'll run that. If it hits, you get it. Of course, there's  
10 also spousal -- well--

11 **UNIDENTIFIED MAN:** Spousal privilege is an issue.

12 **THE COURT:** I know, it is an issue. Anyway, but they'll run  
13 those hits. They will run those.

14 They are not saying -- what they're saying is it's a way of  
15 initially screening out things that probably have nothing to do  
16 with it. And they'll run those. And then they'll either turn  
17 them over.

18 Or if they are still withholding it on some privilege  
19 ground, then we'll adjudicate that.

20 **MR. EHRLICH:** (Inaudible)

21 **MR. JUDAH:** Your Honor, if we had the privilege logs and if  
22 I had a list of whatever these private things were and how many  
23 there were, I could maybe evaluate this. But I'm really not in  
24 a position do so.

25 **THE COURT:** I know. Well, right now I'm not saying you have

1 to evaluate. If we need to come back tomorrow, we'll come back  
2 tomorrow.

3 **MR. EHRLICH:** Just for the record, I'm handing him the  
4 attorney/client privilege log.

5 (Document tendered)

6 **MR. EHRLICH:** I'm not handing him the list of private  
7 people. I don't have that with me now.

8 **THE COURT:** When will you give it to him?

9 **MR. EHRLICH:** We can give that to him tomorrow.

10 A little bit of my concern is that -- the -- to say that  
11 something is -- is completely irrelevant and private, my concern  
12 is then giving a list to Waymo --

13 **THE COURT:** One way --

14 **MR. EHRLICH:** Yeah, I know.

15 **THE COURT:** You know what? He's handed it all over to  
16 Stroz; that's just where he finds himself.

17 **MR. EHRLICH:** So the request is to get a list of the search  
18 terms that were used to segregate the private material.

19 **THE COURT:** Yeah.

20 **MR. EHRLICH:** Is the way I understand it.

21 **THE COURT:** But you need to tell them who --

22 **MR. EHRLICH:** Which names.

23 **THE COURT:** Which names.

24 **MR. EHRLICH:** Which individuals. I understand.

25 **THE COURT:** Yeah. I mean --

1       **MR. EHRLICH:** I don't have that today, but we can certainly  
2 get that after the hearing.

3       **THE COURT:** Okay.

4       **MR. EHRLICH:** By tomorrow.

5       **THE COURT:** I want that to them by 10:00 a.m. tomorrow.

6       **MR. EHRLICH:** 10:00 a.m. tomorrow.

7       **THE COURT:** I'm sorry, but we're just on rocket speed.

8       **MR. JUDAH:** Your Honor, we need an electronic version of the  
9 privilege log as well.

10       **MR. EHRLICH:** We can --

11       **THE COURT:** That you can have tonight.

12       **MR. EHRLICH:** Yes.

13       **THE COURT:** That you can have by 5:00 p.m.

14       **MR. EHRLICH:** 5:00 p.m.

15       **THE COURT:** You can just e-mail somebody at your office by  
16 5:00 p.m.

17       **MR. EHRLICH:** Yes.

18       **MR. JUDAH:** And I think Mr. Patchen said that there was  
19 similar --

20       **MR. PATCHEN:** We haven't created a log. We will do so, and  
21 turn everything over by tomorrow morning.

22       **THE COURT:** You're going to have a long night, right?  
23 You're going to have that logged in by 10:00 a.m. tomorrow  
24 morning.

25       **MR. PATCHEN:** We shall do so.

1       **MR. BROWNSTEIN:** Your Honor, David Brownstein for Colin  
2       Sebern.

3       We have a log of private materials, some of which are simply  
4       his fiancée's files. And we have that explanatory material.  
5       And we're prepared to turn it over this afternoon.

6       I do want to touch on the native devices, because I -- I'm  
7       not clear here. I thought we had gone through this privacy  
8       screen, so that in fact those materials wouldn't be reviewed.  
9       And now it sounds like there's some debate about whether  
10      counsel's going to want to go through that material anyway.

11      **THE COURT:** Well, originally, last -- you were first going  
12      to go through the Relativity, right? And all that stuff.

13      **MR. JUDAH:** Well, we also were going to use the natives in  
14      order to determine copy history, transfer history, deletion  
15      history, and also file structure, which might help us identify  
16      documents. And also to confirm that everything on the  
17      Relativity database, actually it is a complete set of everything  
18      on the native images.

19      **MS. BLUNSCHI:** It is not. So --

20      **MR. JUDAH:** Yeah, and it isn't. So that's an issue. I  
21      think, as you said, I think the way to proceed with the forensic  
22      images, the natives, is counsel for, you know, Mr. Levandowski  
23      can be there. And it's a 502 situation. There's no waiver,  
24      there's no privilege. You know, there's no privacy waiver.

25      If we see something and then they say: Wait a second,

1 that's going to be -- you know, we object, don't do anything  
2 with that, then we can address it then. But, I mean, I can tell  
3 you, we're going to be using the Relativity database for most of  
4 our primary review just because it's more easily searchable.

5 But I just --

6 **THE COURT:** So why can't they remove that, then, from the  
7 Relativity database, that stuff, which is a very small  
8 percentage of it, that they just described?

9 **MR. JUDAH:** Well, I mean, you mean completely remove it? Or  
10 just screen it --

11 **THE COURT:** Or screen it, whatever. What would you do with  
12 it?

13 **MS. BLUNSCHI:** We would screen it so that it would still be  
14 in the database, but only if you're in searches that were run by  
15 an administrator.

16 So for the purpose, for example, of the private material,  
17 you know, we would still know if Waymo's search terms --

18 **THE COURT:** And if that was done, then would you,  
19 Mr. Ehrlich, not need to be standing over their shoulder, then,  
20 while they're doing the search?

21 **MR. EHRLICH:** If, if that was done, I would want -- I think  
22 so. I think it would be -- be best if we started together, and  
23 maybe saw how the process was going to work.

24 I would think -- you know, we're concerned that this be  
25 focused on the claims in this case. And not for some other

1 case. Not for the arbitration. Not for any other purposes. So  
2 I think that if we could get a log of the -- after they have run  
3 them, the searches they have run --

4 **THE COURT:** No, no, no, because what they are concerned is  
5 they think stuff is being hidden. And I'm sorry, I just --  
6 Mr. Levandowski doesn't have -- he turned over the entire device  
7 to Stroz. He just turned it over. The whole thing.

8 **MR. EHRLICH:** Are you talking about the native devices? I  
9 may have misunderstood.

10 **THE COURT:** I think -- well --

11 **MR. JUDAH:** I mean, he turned over all the devices, yes.

12 **THE COURT:** Yeah.

13 **MR. JUDAH:** And, Your Honor, I think I will just note, we  
14 would be entitled, I think, to ask for the production of  
15 everything.

16 And I think we are being very accommodating in even  
17 suggesting, you know, a protocol that we had discussed that  
18 involved Mr. Cooper reviewing things. And he hasn't been  
19 offered anything to review.

20 And so before we can evaluate --

21 **THE COURT:** Well, he will. He will. It's just a  
22 chicken-and-egg problem.

23 **MR. EHRLICH:** Well, I don't --

24 **MR. COOPER:** I'm on the phone, and I'm prepared to review  
25 anything you send me.

1       **THE COURT:** Hi, Mr. Cooper.

2       **MR. EHRLICH:** The native devices present a more complicated  
3 problem. And I'll just be very brief here.

4       Some of the devices, there was no review at all. That was  
5 well understood by Stroz, by Uber, by Mr. Levandowski. So, yes,  
6 he turned them over. They're sitting in the quarantine, in the  
7 possession of Stroz, presumably.

8       **MS. BLUNSCHI:** Uh-huh.

9       **MR. EHRLICH:** We have not been allowed to get access to  
10 them, so I have no idea what is on them. But I don't think -- I  
11 understand he turned over and made them available for  
12 inspection. But I don't think that upends the entire legal  
13 rules of discovery.

14       There's a relevance issue. There's a scope that still  
15 should guide what is accessed. And if you're looking at native  
16 devices, they're going to get access to privileged material.  
17 And I have no way of predicting where it is, whether it's  
18 privileged. It's very hard to sit on somebody's shoulder and  
19 make a lightning-quick decision like that. So I think it's  
20 overkill.

21       I think the relevant materials were pulled; they're in the  
22 database. We have a pretty good platform to be able to address  
23 that. And maybe once they have a showing of need, we can then  
24 take the next step.

25       **MR. JUDAH:** Your Honor, all these materials provided to

1 Stroz, we subpoenaed Stroz. We got an order compelling it. Any  
2 arguments about relevance should be made before.

3 Two, we don't have to take attorney argument for what is on  
4 those devices, whether they're the relevant ones. We need to  
5 inspect them, ourselves, to see what's supposedly in quarantine.  
6 Were copies made of every single one of those immediately before  
7 they were handed over to Stroz?

8 I also feel like I'm somewhat prejudiced in my ability to  
9 effectively discuss any of these issues because, you know,  
10 Mr. Levandowski's counsel can mention things about what was done  
11 with the devices, but I can't talk about stuff that is very  
12 relevant to all these conversations from the report.

13 So, you know, I just can't emphasize enough the need to --  
14 actually, Waymo -- I mean, there's -- there's clawback rights,  
15 even if you produce a document to the other side that happens to  
16 be privileged.

17 Our ability to go in and look at the native devices, to do  
18 necessary review on the ones that both have an image and the  
19 ones that haven't been imaged. I think there's remedies that  
20 are already available under the civil rules of federal procedure  
21 and the rules of evidence that allow them to protect themselves  
22 from any inadvertent privilege waiver if they contend, as they  
23 do, that any of these materials are privileged.

24 **THE COURT:** I think he's right, that they were subpoenaed.  
25 It was the issue that was up on appeal. I think that ship has



1 sailed in that sense as to -- but I think as to privacy, we  
2 always acknowledged -- and Waymo doesn't want the private stuff.  
3 They may want to litigate the privileged stuff. I haven't ruled  
4 yet on -- I haven't ruled that they waived privilege. So that  
5 is a different issue. I think relevance is sort of -- that ship  
6 has sailed.

7 So with respect to privacy, though, or privilege, at least  
8 with the Relativity, let's start with that. You have to start  
9 somewhere. And I assume that's where you are going to start. I  
10 mean, you're going to get from Mr. González tonight this bolus  
11 of all these emails. Right?

12 And now you have the report, now you can share the report,  
13 you understand, you can share the report with the others. The  
14 plan was you're going to reread that. That's going to guide you  
15 in some extent as to what you're going to do.

16 The reason I was pushing Mr. Ehrlich a little bit on -- I  
17 think if we do this where they block -- I think that's what you  
18 said, they block these things, I don't know why you need to be  
19 standing over their shoulders at that point. Now we've blocked  
20 everything that you said is private or privileged. And then I  
21 think they should be able to do their search without you  
22 standing there, quite honestly.

23 **MR. EHRLICH:** I think that's fine, if we're talking about  
24 the Relativity database.

25 **THE COURT:** Yes. Right? So -- which I think you would

1 prefer.

2 **MR. JUDAH:** Well, sure, I don't -- that's fine with me if  
3 Miles wants to watch me run searches on a computer for eight  
4 hours.

5 But the issue is without knowing what is in this privacy  
6 list and what's on the privilege log which we literally got, you  
7 know, ten minutes ago, I don't -- I don't -- I mean, in theory,  
8 yeah, this could be appropriate. But we don't know --

9 **THE COURT:** Doesn't mean that you're never going to get it,  
10 by the way. It's just we're taking it in an iterative process.  
11 We'll start with let's let them -- they can easily unblock it,  
12 right?

13 **MS. BLUNSCHI:** They can easily unblock it.

14 **THE COURT:** And that doesn't take 48 hours.

15 **MS. BLUNSCHI:** That will not. So -- although as I'm  
16 learning about the expanding lists and different people's search  
17 terms, all of these things have to be applied to the database.  
18 Right?

19 So if you wanted an unrestricted database, I probably can  
20 get that to you this weekend. We two need to figure out what  
21 all of these private materials are to pull out. And it seems  
22 like that's growing so, I'm --

23 **THE COURT:** Well, there's just not time. We may just be in  
24 a time thing. That's just not going to work, then, Mr. Ehrlich.

25 **MR. EHRLICH:** I think we -- we've worked with the Stroz

1 technician who is ready to go on our search terms.

2 **MS. BLUNSCHI:** Uh-huh.

3 **THE COURT:** I mean, I want it ready to go on one Monday. I  
4 want Waymo to be there on Monday.

5 **MS. BLUNSCHI:** There is no way that we can have all of the  
6 private and privileged things pulled out, and the database  
7 produced on Monday. That I know.

8 **MR. JUDAH:** And Your Honor, until we see the privacy list, I  
9 just don't -- I really am unable to comment on whether -- I  
10 mean, family members are relevant to some issues in this case.

11 **THE COURT:** They very well have been.

12 **MR. PERLSON:** And so, you know, if there's going to be any  
13 -- I mean, so, I'm just very prejudiced because no one's been  
14 giving us any information even though --

15 **THE COURT:** Are you the one that's going to be doing the  
16 search?

17 **MR. JUDAH:** Not on Monday, because I'm getting married this  
18 weekend. But I will --

19 **THE COURT:** That's terrible planning.

20 **MR. JUDAH:** But -- well, I planned the wedding before this  
21 case existed.

22 **THE COURT:** You should get, when this case is over, like, a  
23 huge bonus and a month honeymoon. That's going to be an order.

24 **MR. PERLSON:** Duly noted, Your Honor.

25 **THE COURT:** Oh, my gosh.

1       **MR. JUDAH:** So I will not be reviewing on Monday or Tuesday,  
2 but I will be back later on in the week.

3       **MR. GONZÁLEZ:** (Inaudible)

4       **THE COURT:** My condolences to your future spouse.

5       **MR. JUDAH:** Duly noted as well.

6       **THE COURT:** Oh, wow. Okay.

7       **MR. EHRLICH:** Can I suggest, if there's -- I am guessing  
8 that the materials that are most interesting are  
9 Mr. Levandowski's, to Waymo. So if there is a way to take that  
10 database, and have it just be Levandowski's, in Relativity with  
11 the screen applied, and they want to get started there, and it's  
12 doable, we have no objection to that.

13       **THE COURT:** No, I know Mister --

14       **MR. EHRLICH:** Because I feel like we really have teed it up  
15 so they can push buttons and populate the database.

16       **THE COURT:** If it's just screening them, are you ready to go  
17 Monday?

18       **MS. BLUNSCHI:** If it's just Levandowski, I still have to go  
19 back and ask my guys who have been fielding requests from all of  
20 these folks, and need to produce our materials this weekend.

21       **THE COURT:** Uh-huh.

22       **MS. BLUNSCHI:** If it is just Levandowski --

23       **THE COURT:** I have to tell you, everybody knew this. It  
24 should have actually been ready to go. And I realize that the  
25 work could have been for naught. Could have. But it should

1 have been ready to go and teed up there. So I'm sorry, I'm just  
2 not that sympathetic to that.

3 I want there to be a Relativity database that Waymo can  
4 start reviewing on Monday.

5 **MS. BLUNSCHI:** Uh-huh.

6 **THE COURT:** If there is some screen in place --

7 **MS. BLUNSCHI:** Uh-huh.

8 **THE COURT:** -- then whatever you can get in place by Monday.  
9 And if you can't get it all in there, too bad. Right?

10 **MS. BLUNSCHI:** Okay.

11 **THE COURT:** So Monday morning, Waymo's there. They need to  
12 know exactly what's been screened. You already have the  
13 privilege log and all that.

14 **MS. BLUNSCHI:** Uh-huh.

15 **THE COURT:** Now, you can have -- not you (Indicating),  
16 somebody else in your office will review it. And then if there  
17 are documents that there's issues about, show them first to  
18 Mr. Cooper. He can just look at everything, right, and he can  
19 say.

20 **MR. JUDAH:** And so, Your Honor, one thing I'll note is the  
21 other diligenced employees also -- without going into confidence  
22 in the Stroz report, we're also interested in a lot of that  
23 content.

24 **THE COURT:** No, of course. I understand.

25 **MS. BLUNSCHI:** Uh-huh.

1       **THE COURT:** But now with this time limit, we're just going  
2 to be limited, in any event, because the Relativity is going to  
3 be ready for you -- not you, somebody else -- Monday morning.

4       **MR. JUDAH:** Your Honor, so, with respect to, then, the  
5 native images, what do you want -- for the Relativity database,  
6 how do you want to proceed on that?

7       **THE COURT:** So, I don't quite understand, like -- when are  
8 you -- first you're going to look at Relativity, right?

9       **MR. JUDAH:** Well, I mean, I would actually -- I mean,  
10 someone would look at that. We've requested -- we've discussed  
11 this with Stroz, we've requested six review journals. So we're  
12 going to have multiple people reviewing. And people are going  
13 to be reviewing Relativity.

14       And we would like people reviewing everything because, you  
15 know, the -- obviously this is highly important discovery that  
16 we requested in May.

17       **MS. BLUNSCHI:** And Stroz has prioritized getting the native  
18 devices ready. It was a tremendous amount of effort. And that  
19 is ready to go on Monday.

20       The Relativity would have been ready to go, but we were just  
21 our getting search terms from some of the --

22       **THE COURT:** No, no, no, that's not you. That's not on you.

23       **MS. BLUNSCHI:** -- this morning. So --

24       **MR. PERLSON:** And Your Honor, with respect to the unimaged  
25 devices, the -- you know, we would -- because it takes us seven

1 days to get those images loaded for review, we would request  
2 that they get loaded now.

3 **THE COURT:** Who does that?

4 **MR. JUDAH:** That would be Stroz.

5 **MS. BLUNSCHI:** So we discussed at the last hearing that  
6 there was an universe of unimaged, unreviewed, primarily  
7 Levandowski materials.

8 We can start imaging those. It will take --

9 **THE COURT:** When are you going to take Mr. Friedman's --

10 **MS. BLUNSCHI:** Friedberg.

11 **THE COURT:** -- Friedberg's deposition?

12 **MR. JUDAH:** That's a good question, Your Honor. We don't  
13 have any -- we need to look at the documents to decide that.  
14 Because we don't have any production from Stroz. We don't --  
15 other than the report, itself.

16 And so I know you had suggested possibly breaking it up in  
17 two. But I don't think we can -- we can even schedule the first  
18 one until we've actually looked in the documents and known, you  
19 know, how much time do we need to prepare for a first  
20 deposition? Do we feel comfortable just going with this, just  
21 doing the deposition all at once a little bit later? I don't  
22 know.

23 Again, at this point, literally all we have is the Stroz  
24 report and the exhibits.

25 **MR. PERLSON:** Yeah. And sorry to interject, but I think, as

1 I understood it, there were about 5,000 or so internal Stroz,  
2 Stroz documents that were -- that are going to be made  
3 available.

4 **MS. BLUNSCHI:** Uh-huh.

5 **MR. PERLSON:** We have no idea, obviously, what's in those.  
6 None of us -- you know, I guess some of the stuff got produced  
7 while we were in the hearing. But other than the report and the  
8 exhibits, we haven't seen any of the documents that came off the  
9 privilege log. We just have no idea what specifically we are  
10 going to need before we take that deposition. So that is really  
11 an unanswerable question right now, I think.

12 **MR. JUDAH:** And I guess one other thing I would note is  
13 they're -- I can already tell you that you Waymo's going to be  
14 requesting some additional depositions, reviewing Mr. Gurley's,  
15 Mr. Adam Bentley.

16 And as we are reviewing these materials, there's probably  
17 going to be more. So that's also -- there could be other people  
18 from Stroz that we would want to depose.

19 **THE COURT:** And you also need to schedule your MoFo, right,  
20 depositions also.

21 **MR. JUDAH:** Absolutely, Your Honor.

22 **THE COURT:** I think we should probably set the hearing for  
23 Monday afternoon, because I know we need to make sure those  
24 depos are on course.

25 **MR. GONZÁLEZ:** I think Monday afternoon we have a hearing



1 with Judge Alsup at 2:00.

2 **MS. BLUNSCHI:** At 1:00.

3 **THE COURT:** Why don't you just come down here when you're  
4 done.

5 **MR. GONZÁLEZ:** We will be happy to. See you around 7:00.

6 **THE COURT:** Let Ms. Means know. But -- yeah, hopefully, it  
7 won't go too long. Although your hearings with him are  
8 sometimes quite long, I don't think this -- I think he said it  
9 would be brief.

10 **MR. JUDAH:** Okay. So one thing, I want to make clear  
11 that -- what exactly is going to be available in the Relativity  
12 database on Monday, so that we can start reviewing.

13 **THE COURT:** Everything, other than as much of the privilege  
14 log that you've been given and the privacy names that you'll be  
15 given they say by 10:00 tomorrow, as much as they can get done.  
16 And they don't believe they're going to be able to get it done.  
17 May have Mr. Ron's, it may have some of Mister --

18 **MR. PATCHEN:** Sebern's.

19 **THE COURT:** -- Sebern's as well. May not, because they  
20 don't think they're going to have time to get it all done. But  
21 you will have a list of that. That's it. So it will be  
22 everything other than what they've blocked. You'll have a list  
23 of what they've blocked.

24 And then to the extent there's anything blocked from the log  
25 that you think is -- you can give them, then, search terms.

1 That'll probably -- first I want you to get that database to  
2 them, ready to go, Monday.

3 Can you do that simultaneously, then, the stuff that you've  
4 blocked?

5 **MS. BLUNSCHI:** Uh-huh.

6 **THE COURT:** Are you able to search? In other words, I don't  
7 want to delay -- are you able to search -- they're going to give  
8 you search terms. Are you able to search that at the same time  
9 they're doing their work?

10 **MS. BLUNSCHI:** I'm not sure I understand the question. I  
11 think James was planning to run the searches directly in the  
12 Relativity database.

13 **THE COURT:** No, no, no, but some of it is blocked.

14 **MS. BLUNSCHI:** Oh, yes. Yes.

15 **THE COURT:** And those searches need to be run on the blocked  
16 part.

17 **MS. BLUNSCHI:** Yes. We can do that essentially  
18 simultaneously.

19 **MR. PERLSON:** I guess what I don't fully understand is that  
20 there was some -- you know, I understand there could be a lot of  
21 work, that Stroz was not able to actually do all this blocking  
22 for all of the files --

23 **THE COURT:** Exactly.

24 **MR. PERLSON:** -- by Monday. So is it going to -- going to  
25 be some of them?

1       **THE COURT:** Exactly.

2       **MR. PERLSON:** And if so, that's -- that's what -- I think  
3 that's what we're not clear about.

4       **THE COURT:** They'll tell you which ones have been blocked on  
5 Monday. Only as much as they can get done.

6       **MR. PERLSON:** So, like, if they only get through half of  
7 Levandowski, then we don't get any of the others. Like, we  
8 don't get Ron's files, and -- that's what I don't understand.

9       **THE COURT:** No, you get them. No, you get them. They don't  
10 get to block them.

11       **MR. GONZÁLEZ:** It's the reverse.

12       **MS. BLUNSCHI:** So the diligenced employees have to negotiate  
13 amongst themselves as to who goes first?

14       **THE COURT:** Whatever.

15       **MS. BLUNSCHI:** We'll certainly do all that we can. But we  
16 had been prioritizing the native review. So we need to shift  
17 gears on that.

18       **MR. JUDAH:** And so the -- so I understand it's going to be  
19 made available on Monday.

20       With respect to restoring or creating forensic images of the  
21 unimaged devices, is that something that can proceed  
22 immediately?

23       **MS. BLUNSCHI:** Stroz certainly has no objection to that.

24       **THE COURT:** Okay.

25       **MR. JUDAH:** Waymo would request it.

1       **THE COURT:** All right.

2       **MR. JUDAH:** And my understanding is that should take about  
3 seven days.

4       **THE COURT:** Okay.

5       **MS. BLUNSCHI:** Yeah, I'll get with the folks to figure out  
6 exactly how long, but that was their initial estimate.

7       **THE COURT:** Might as well get started on that. I understand  
8 there may be some objections, but we may as well get started on  
9 that so it's not delayed because it's not there.

10       **MS. BLUNSCHI:** If there's something surprising in the  
11 storage locker that's a little more challenging, we'll let you  
12 know. But we think it will take about a week.

13       **THE COURT:** Okay.

14       Yes.

15       **MR. EHRLICH:** Can I just say, because there was discussion  
16 about whether I'd be sitting next to Mr. Judah or whoever is  
17 going to be there, at least in the beginning, we do want to be  
18 there.

19       **THE COURT:** It sounds like not everything is going to be  
20 blocked.

21       **MR. EHRLICH:** Yeah.

22       **MR. PATCHEN:** Yeah.

23       **MR. JUDAH:** You're invited, Miles.

24       **MR. EHRLICH:** Thank you.

25       **THE COURT:** He enjoys your company, that's why -- I try --

1       **MR. EHRLICH:** Well, so, and I heard reference to six  
2 terminals. We don't have six people in our firm. And so I  
3 don't know; I'm hoping that it can just be one for  
4 Mr. Levandowski at a time, so either Ms. Craig or I could be  
5 there.

6       I don't know if --

7       **THE COURT:** Well, you sort of like said, like, you were  
8 going to print something out? Is that what you said? That  
9 seemed old-fashioned.

10       **MR. JUDAH:** When we are reviewing things, I think we would  
11 print to PDF and/or native if it's something that will be native  
12 file.

13       **THE COURT:** So there'll be six terminals going. And if  
14 you're going to print in PDF, you'll notify Ms. Craig or  
15 Mr. Ehrlich.

16       Where's Mr. Ramsey?

17       **MR. EHRLICH:** Well, we have a trial coming up.

18       **THE COURT:** You have other cases.

19       So that they can run over and say -- you know, I mean, most  
20 of it shouldn't -- is not going to be, I would think. Because  
21 they don't want to waste their time with that.

22       **MR. EHRLICH:** I understand.

23       **MR. JUDAH:** And Your Honor, the other aspect is the protocol  
24 that Waymo had envisioned. You know, we would -- you know, both  
25 the diligenced employee and defendants would also be emailed

1 that production copy kind of at the same time, so that they can  
2 then also immediately know if there is an issue. So they don't  
3 even need to be there.

4 **THE COURT:** Oh. That's pretty generous.

5 **MS. BLUNSCHI:** Fancy.

6 **MR. EHRLICH:** So my -- but I want to make sure we are clear  
7 on the protocol. This is AEO until a document is identified  
8 that they want that we have no objection to. Then it's  
9 produced.

10 So, so -- you're looking at me funny. I may be missing  
11 something here. So my understanding is they cannot walk away  
12 with a document.

13 **THE COURT:** Unless they run it by you.

14 **MR. EHRLICH:** They tag it. We then either have an objection  
15 or we don't. And we have very few objections left.

16 **THE COURT:** It would only be on attorney/client privilege  
17 that hasn't already been deemed waived in this action.

18 **MR. EHRLICH:** Correct.

19 **THE COURT:** Or very private.

20 **MR. EHRLICH:** Very private.

21 **THE COURT:** I think -- what was the term used?

22 **MR. EHRLICH:** "Extreme" --

23 **THE COURT:** "Extreme privacy."

24 **MR. EHRLICH:** But that has to happen before any document can  
25 leave the Stroz database.

1 But, given the Federal Circuit ruling which we're going to  
2 talk about in the briefing, I also think we're talking about  
3 documents that were produced potentially Fifth-Amendment  
4 privileged, until we have a final ruling.

5 There's also going to be -- need to be some designation of  
6 some of the documents.

7 **THE COURT:** Right.

8 **MR. EHRLICH:** Yes. So --

9 **THE COURT:** They should all be -- there are going to be too  
10 busy to be running off to be -- you should be -- they should be  
11 treated as confidential. Not AEO. Right? Confidential.

12 **MR. JUDAH:** So, two things, Your Honor. One, yeah, we're  
13 fine, to do something like depositions --

14 **THE COURT:** Unless, I suppose -- well, I guess you would say  
15 even -- I think we just have to adjudicate this wrench that the  
16 Federal Circuit threw in there.

17 **MR. JUDAH:** Right. For depositions, there's, like, a  
18 standard amount of time to do something like -- you know,  
19 there's three days to designate it provisionally confidential,  
20 and then parties can designate beyond that.

21 So with respect, though, to when the document gets produced,  
22 when it leaves the Stroz database, see, this is -- I want to be  
23 very clear about this, because this is exactly -- Waymo's  
24 proposal, which is the document gets -- because what we don't  
25 want to have is delay. And I understand everyone says: Oh,

1 we're going to try to move quickly.

2 But the Waymo proposal we think resolves concerns, but also  
3 keeps things fast. Because we see something, it gets produced,  
4 you know, Miles can claw it back immediately, if he says: Oh,  
5 wait a second, this is problematic.

6 If we had to wait for his clearance before things actually  
7 get produced, you know, then --

8 **THE COURT:** What do you mean by "produced"? Made into a  
9 PDF?

10 **MR. JUDAH:** Yeah. And actually, something that Waymo can  
11 start, you know, using to prepare for depositions and use as  
12 exhibits and whatnot.

13 **THE COURT:** Well, it's instantaneous, really.

14 **MR. EHRLICH:** No, that's not what the protocol was agreed  
15 to. It was: You can view it; you identify what you want to  
16 take. There's an opportunity to object. And if, if -- and  
17 there are very narrow grounds of objection. It can be done  
18 quite quickly.

19 **THE COURT:** It has to be done at the moment, because you're  
20 going to be there.

21 **MR. EHRLICH:** Well, unless we're not there. But -- but --

22 **THE COURT:** No. If you're not there, that's because she  
23 will have blocked everything, and all of your objections would  
24 have been taken care of. If you want to -- but as I understand  
25 it, they may not be able to block everything that you've



1 identified. In which case, then you have to be there. It has  
2 to be real time. There's no delay. They're there.

3 **MR. JUDAH:** Look, I think either one is fine. Either it  
4 gets produced immediately, you know, to us, and then they have  
5 an opportunity after it's already produced to say: Well, wait a  
6 second, we want to use clawback rights or whatever to try -- you  
7 know. Or they have to object immediately at the -- there.  
8 Either one is --

9 **THE COURT:** Yes. No, I agree.

10 **MR. PERLSON:** Your Honor, it's not going to be practical to  
11 have, on the fly -- what's going to happen is that -- and,  
12 hopefully, it wouldn't happen a lot, but it could -- is that  
13 there's going to be a situation where we have reviewers saying:  
14 I want to review this.

15 They say: Okay, look at it.

16 And then the reviewer is sitting there, waiting there. And  
17 then they're going to be looking. And then it's going to be ten  
18 to 15 minutes for every document, and we're only going to be  
19 looking at four documents in an hour. So that's not practical,  
20 and it's completely unfair.

21 **THE COURT:** It's not looking at them. It's not looking at  
22 them. It's the ones that you are taking with you. Right?

23 **MR. PERLSON:** Right. But if we're saying: We want to take  
24 this one -- I mean we want to review this stuff fast and  
25 efficiently.

1 But if we're there and we want to click things, and then we  
2 have to wait for someone to rule, and then if there's a dispute  
3 we have to get to Mr. Cooper and do that, that's going to be an  
4 extremely laborious process.

5 **THE COURT:** No, no, no, I think the dispute is it's yours,  
6 and then -- I don't know.

7 **MR. PERLSON:** Because he's saying that before it even gets  
8 produced to us and not be clawed back, that -- that he can be a  
9 screen to us even getting it.

10 **THE COURT:** Yeah. So this is the thing. I'm allowing you  
11 to do the block. I'm allowing you to do the block, which  
12 they're never going to see it. That takes care of that. I  
13 don't think you get both. We're on a time crunch. That's just  
14 the way it is. That's just too bad. I'm allowing you to do the  
15 block.

16 Other than, that I think his proposal, you can be there but  
17 it -- also email it to you. But I don't think -- you know, they  
18 get it, you can try to claw it back.

19 I mean, what I'm envisioning is they don't want extreme  
20 private stuff. And I know you, Mr. Ehrlich, and I don't think  
21 that you're going to be clawing back something that's not  
22 extreme private just because it's bad. I mean, you're a  
23 vigorous advocate, but you understand the rulings are what the  
24 rulings are. So I do think that shouldn't -- it shouldn't be an  
25 issue.

1 But I think that's right, is you don't get both to place the  
2 block, and to have this sort of second-level block as well.

3 **MR. EHRLICH:** So, so, I guess the question is we believe  
4 that it's still valid to present a relevance -- an extreme  
5 relevance objection.

6 We don't -- we don't -- they say they don't want to be  
7 rooting around in other matters, but these cases have a way of  
8 morphing. There are -- this is his digital life for --

9 **THE COURT:** Mr. Ehrlich, we've been there. I understand. I  
10 understand. That's why I would never hand over my phone to a  
11 third-party forensic investigator. So, that ship has sailed.  
12 We're done. I'm trying to accommodate it to some extent, but I  
13 only can so much. Because, the fact of the matter is the reason  
14 we are having this conversation is because they turned it over.

15 **MR. EHRLICH:** I understand.

16 **THE COURT:** Okay? So, that's so done. I'm allowing you to  
17 put that block in. Whatever Stroz can get in between now and  
18 Monday morning is there. It's blocked; they won't see it.  
19 It'll have to be on your log. Stroz will have to identify  
20 precisely what files were blocked, so they know. Okay. They  
21 can then run their search terms on the blocked files so you can  
22 be satisfied that none of that actually has relevant information  
23 in it.

24 To the extent there's anything that they didn't have time to  
25 block, you can be there. But I'm not going to put any other

1 parameters. You can be there, so you will know, so you can  
2 raise whatever objection you want at whatever time. But they're  
3 allowed to do their -- we're just three and a half weeks from  
4 trial. They're allowed to do their search.

5 I'm allowing you to put the blocks in.

6 **MR. PATCHEN:** Just to clarify, Your Honor, if there is  
7 something that is produced that, for example, a cholesterol  
8 screening or whatever that didn't hit the block, they want it  
9 produced, we can then object to that. And there's going to be a  
10 procedure by which --

11 **THE COURT:** They don't want his cholesterol screen. They  
12 will say: Oops, didn't -- misread it. We don't want it.

13 **MR. PATCHEN:** I would hope.

14 **THE COURT:** And if it is produced, of course, there's a  
15 clawback. We're doing Rule 502 here.

16 **MR. PATCHEN:** Perfect.

17 **THE COURT:** No waivers, whatsoever. There's a clawback.

18 **MR. JUDAH:** Your Honor, that's acceptable to Waymo.

19 **THE COURT:** All right. So I think we have a plan.

20 **MS. BLUNSCHI:** We have a plan.

21 **THE COURT:** You will do as much as you can do by Monday  
22 morning. By Monday, what time will your team be there without  
23 you?

24 **MR. JUDAH:** 9:00 a.m.

25 **THE COURT:** 9:00 a.m. Okay.

1       **MS. BLUNSCHI:** I think that will work.

2       **THE COURT:** 9:00 a.m., they'll be ready to go with six  
3 terminals. And any other diligenced employees who want to have  
4 their counsel there, Mr. Judah said they're welcome to be there.

5       **MS. BLUNSCHI:** So at that time, we're making the Relativity  
6 materials available online. We do have the native devices, and  
7 we are ready within a reasonable time frame to make those  
8 available, if that's the Court's desire.

9       **MR. JUDAH:** And Your Honor, yeah, I mean, I understand you  
10 don't want to make -- you don't want to do a definitive ruling  
11 on them today, but we will need the decision on them. And Waymo  
12 wants to be able to check --

13       **THE COURT:** These are the devices that --

14       **MR. JUDAH:** The Relativity database has some -- you know,  
15 has a lot of files, but not all of them. And so we need our  
16 experts, and we need, you know, our attorneys to be able to look  
17 at those, and see what's on them.

18       **THE COURT:** These are the other native files that you said  
19 are ready to go now.

20       **MS. BLUNSCHI:** We were planning to make all those available  
21 on Monday.

22       **THE COURT:** Oh, on Monday, as well.

23       **MR. JUDAH:** Yeah.

24       **MS. BLUNSCHI:** We were, however, planning that based on the  
25 assumption that we wouldn't be doing Relativity --

1       **THE COURT:** I think the priority would be having the  
2       Relativity database ready. Correct?

3       **MR. JUDAH:** We have a lot of priorities, but -- so, so,  
4       Your Honor, if you're saying that -- I understand those issues  
5       with the natives because, you know, there's been --

6       **THE COURT:** I just want to talk to Judge Alsup, to be  
7       honest. It's his case; it's his trial. He's not here today or  
8       tomorrow. He's here Monday. I just want to talk to Judge Alsup  
9       about that.

10      **MR. JUDAH:** Okay.

11      **THE COURT:** I think that's better than doing something, him  
12      overruling. Might as well do it all at one time. We don't have  
13      a lot of time.

14      **MR. JUDAH:** Okay, so that would be something we can talk  
15      about on Monday?

16      **THE COURT:** On Monday, after you see him. And who knows?  
17      Maybe he will preempt me on that.

18      **MS. BLUNSCHI:** And just logistically -- and I think this is  
19      the concern that the diligenced employees counsel would raise --  
20      the native devices, we can't block materials.

21      **THE COURT:** No, I understand that. Otherwise we'd have a  
22      protocol.

23      **MS. BLUNSCHI:** We'd have no problem.

24      **THE COURT:** No, I understand that that's the rub. That's  
25      the rub.

1       **MS. BLUNSCHI:** Uh-huh.

2       **THE COURT:** So you're producing documents by Saturday.

3       **MS. BLUNSCHI:** (Nods head)

4       **THE COURT:** And the Relativity will be ready to go by Monday  
5 with whatever block is there.

6       **MS. BLUNSCHI:** Uh-huh.

7       **THE COURT:** You'll have the log. You'll provide yours  
8 (Indicating) and you'll provide yours today (Indicating); is  
9 that what we just said?

10       **MR. BROWNSTEIN:** Yes, that's correct.

11       **THE COURT:** By tomorrow morning. And you will tell them on  
12 Monday what it is that you have blocked.

13       **MS. BLUNSCHI:** Yes. We will do that.

14       **THE COURT:** Okay. You can have another team reviewing that,  
15 come up with search terms that they'll run.

16       **MR. JUDAH:** Well, we run them, ourselves.

17       **THE COURT:** Oh, you do. Oh, on the block --

18       **MR. JUDAH:** On the blocked materials.

19       **MS. BLUNSCHI:** We'll have someone from Stroz available to  
20 run them through the blocked materials, yes.

21       **THE COURT:** All right. And then -- great. Okay. And then  
22 to the extent we have any disputes, Mr. Cooper is available to  
23 review -- sorry, Mr. Cooper -- but to review any actual document  
24 that there is a dispute about.

25       I actually doubt -- I do, I doubt very much that there will

1 be a dispute about that. The time I have --

2 **MR. JUDAH:** Not from Waymo's end, there's not going to be a  
3 dispute.

4 **THE COURT:** Limited time has a way of pushing the cream to  
5 the top. So I doubt very much there will be.

6 Yes, Mr. Brownstein.

7 **MR. BROWNSTEIN:** One more question about logistics --

8 **THE COURT:** Yes.

9 **MR. BROWNSTEIN:** -- since our law firm couldn't even staff  
10 six terminals if we wanted to --

11 **THE COURT:** Yes.

12 **MR. BROWNSTEIN:** -- is, as documents are selected, I heard  
13 counsel say that they would simply e-mail them around. If  
14 that's part of the protocol, I think it's going to make  
15 everything go faster. We can look at, you know, batches of  
16 documents and get back to them quickly, even if we can't staff  
17 the room full-time.

18 **MR. JUDAH:** And that's exactly why we think it's a good  
19 idea. And we can -- I think we're envisioning that the  
20 documents would only go to the diligenced employee, not to all  
21 the diligenced employees.

22 So for example --

23 **THE COURT:** Of course, and I don't think they want them to.

24 **MS. BLUNSCHI:** Yeah.

25 **MR. JUDAH:** Right, exactly.



1       **THE COURT:** Okay.

2       **MR. PATCHEN:** Just to clarify, you'd be looking on a  
3       custodian-by-custodian basis?

4       **MR. JUDAH:** I think all the Relativity stuff is all in one  
5       computer.

6       **MS. BLUNSCHI:** It's all in one.

7       **MR. PATCHEN:** Okay. So you'd identify by custodian who the  
8       document was from and (Inaudible)...

9       **MR. JUDAH:** Right.

10       (Reporter interruption)

11       **MR. PATCHEN:** So you would identify who the custodian was,  
12       and email it to that person's counsel.

13       **MR. JUDAH:** Right.

14       **THE COURT:** Okay. So then what I want to do on Monday, not  
15       from you (Indicating), is now somebody else will have read  
16       through everything that's going to be produced this weekend, and  
17       we'll have a better idea about scheduling depositions.

18       Because on Monday, I can tell you Judge Alsup's probably  
19       going to ask you anyway: When are they scheduled for? Right?

20       And people are going to have to make themselves -- I know  
21       not your client -- well, maybe it is, but I know what he's going  
22       to say. Might have to make themselves available again.  
23       Everybody understood that.

24       **MR. PATCHEN:** We understand that, Your Honor.

25       **THE COURT:** Yeah. And then Mr. González will have to work

1 with making his colleagues -- some of your colleagues, but also  
2 -- or maybe even you, too --

3 **MR. GONZÁLEZ:** Oh, no, not me. I'll admit --

4 **THE COURT:** -- available for deposition. They're just going  
5 to have to be --

6 **MR. GONZÁLEZ:** We are ready --

7 **THE COURT:** -- quadruple-set, day and night --

8 **MR. GONZÁLEZ:** Ready to go.

9 **THE COURT:** -- all hours of the day to try to get this in on  
10 this schedule.

11 So I'll see you Monday afternoon, and we'll, hopefully, have  
12 an idea of how things are going -- not from you (Indicating).  
13 I shouldn't even be looking at you since you will be nowhere  
14 near here.

15 Mr. Perlson, somebody else will be here, should have an idea  
16 how, hopefully, smoothly things are going on Monday.

17 **MR. PERLSON:** Yes, we will -- your brother is available.  
18 He has a twin brother.

19 **MR. JUDAH:** I have a identical twin brother, Your Honor.  
20 I'm thinking he can show up.

21 **MS. BLUNSCHI:** Can't the identical twin just go to the  
22 wedding?

23 **MR. JUDAH:** That was also discussed.

24 **THE COURT:** Your bonus just went up.

25 **MR. PERLSON:** Turned down on that.

1       **THE COURT:** Okay. Thanks so much. I will see you Monday  
2       afternoon.

3       If something does come up, my clerk's going to, like, shoot  
4       me for saying this, but just have Mr. Cooper contact me  
5       tomorrow. Okay?

6       All right. And congratulations.

7       **MR. JUDAH:** Thank you.

8       **THE COURT:** Have a really wonderful week, weekend. There's  
9       -- work is great, but nothing -- life is really all about these  
10      relationships. And in the end, you will never regret having  
11      missed this document review this weekend.

12      Thank you.

13      **MR. JUDAH:** Thank you, Your Honor.

14      **MR. EHRLICH:** Thank you, Your Honor.

15      **MR. GONZÁLEZ:** Thank you.

16      **MR. COOPER:** Congratulations.

17      **MR. JUDAH:** Thanks, John.

18      (Proceedings concluded)

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CERTIFICATE OF REPORTER

I, BELLE BALL, Official Reporter for the United States Court, Northern District of California, hereby certify that the foregoing is a correct transcript from the record of proceedings in the above-entitled matter.

A handwritten signature in black ink that reads "Belle Ball". The signature is written in a cursive, flowing style.

/s/ Belle Ball

Belle Ball, CSR 8785, CRR, RDR

Friday, September 15, 2017